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1 going to be out. He -- I didn't know what was going
2 on with him. I was very concerned for his health,
3 almost to the point that I was ready to do a
4 wellness check on him if I didn't hear from him.

5 And I reached out to staff that knew him personally,
6 and I also reached out to his brother Joshua and was
7 finally able to verify that he had been in the
8 hospital, and someone doesn't go in the hospital if
9 they're doing well.

10 So again, that's some of that information
11 I was talking about in this email from April 24.

12 Again, we were all -- all of us -- all of
13 us in HR, not just my team but our director and all
14 of the staff that worked closely with Jeremy,
15 because we knew about his serious medical
16 conditions, most of them, anyway, because he talked
17 about them with everybody. It's not our information
18 to share. So when Jeremy was out in the early
19 spring of 2020, we -- we were all very concerned
20 about his health.

21 Q. And when he returned to work, what
22 happened?

23 A. When he returned to work, he was very
24 frail, and we were even more concerned about his
25 health, and he was having trouble talking. He had

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1 lost quite a bit of weight, and we were very alarmed
2 at his appearance when he came back to work.

3 So we -- so my boss and myself, Teresa
4 Padilla, who's the HR human resource bureau
5 director, she's over the entire bureau, so we
6 decided we needed to meet with Jeremy to make sure.

7 One thing I discovered was that his
8 FMLA -- he needed to submit new FMLA, because they
9 were -- his FMLA had exhausted, and plus his old
10 FMLA certifications didn't meet his current needs.
11 So anytime you see someone invoking FMLA, and it's
12 exceeding those needs described by the provider, you
13 always want to make sure that you talk to the
14 employee, because in those cases where -- for
15 example, since we were talking about intermittent
16 FMLA, say somebody had coverage for flareups two to
17 three times a week lasting up to one day per
18 episode, say they invoked FMLA for a flareup for
19 five days a week, and they were out continuously
20 five days, that's beyond the information the
21 provider gave the department, so it's -- that
22 usually happens when somebody's medical needs have
23 increased.

24 And we always want to make sure that FMLA
25 coverage captures any type of need that they will

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1 have due to their medical condition. So if their
2 current certification doesn't capture that
3 information, we always want them to go back and have
4 them recertify with their provider so that we're
5 making sure that their FMLA coverage covers any type
6 of need they might have.

7 It's better for an employee -- for a
8 provider to overestimate what they'll need than to
9 underestimate it, because then if the employee needs
10 that coverage, they don't have it. We would still
11 approve it, of course, because we always err on the
12 side of caution with FMLA.

13 Say somebody invoked outside the
14 parameters of the current FMLA, we wouldn't deny
15 that, because we take care of our employees at the
16 Department of Health, and we're the Department of
17 Health. Instead of us just denying that, we would
18 say, oh, you need to -- when you're able to, you
19 need to recertify with your provider, because it
20 looks like your medical needs have increased, and we
21 want to make sure your FMLA captures everything
22 you'll need under that coverage.

23 MS. ACKERMANN: Heather, we're at twelve
24 o'clock. Would this be a good time to take a break
25 for lunch? Do you want to do, like, 20 minutes or a

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1 half-hour, or what are you thinking?

2 MS. BURKE: Well, I think, David said he
3 was good without a lunch. We talked about if you
4 just wanted a ten-minute break. Is that what you
5 wanted at noon? If you want 15 or 20, we can do
6 that.

7 MS. ACKERMANN: If we can, can we do till
8 12:20?

9 MS. BURKE: That's fine. We're off the
10 record, please.

11 (Recess was taken from 12:00 to 12:20.)

12 Q. (By Ms. Burke) Do you remember the last
13 thing that we discussed? So you said Teresa Padilla
14 suggested that you meet with Jeremy; is that
15 correct?

16 A. No, Teresa didn't suggest we meet with
17 Jeremy. We talked about meeting with Jeremy. It
18 was like a mutual decision that we agreed we should
19 meet with Jeremy.

20 Q. Okay. When did that meeting take place?

21 A. Oh, I -- it was -- I think it was in
22 March, Heather. I don't know for sure when that
23 meeting took place. I actually went back -- I
24 actually went back through my notes in a notebook to
25 see if I had written down that date of that meeting.